S.B.CIVIL WRIT PETITION NO.5407/2007

Mohd. Yasin
v.
Parwati Devi & Anr.

Date of Order :: 17th September, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Vijay Mehta, for the petitioner.
Mr. K.L.Maheshwari, for the respondent.

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By order dated 9.8.2007, learned Presiding Officer, Rent Tribunal, Jodhpur rejected an application preferred by the petitioner to delete the averments contained in paras No.2 and 3 of the rejoinder submitted by the respondent being unnecessary, frivolous, Vexatious and prejudicial.

The contention of counsel for the petitioner is that the learned Tribunal erred while rejecting the application as the petitioner shall be having no right to meet and challenge the averments made in paras No.2 and 3 of the rejoinder being new facts and having no foundation in the original application.

I do not find any force in the contention so raised. The proceedings under the Rajasthan Rent Control Act, 2001 (hereinafter referred to as “the Act of 2001”) are of summary nature and the tribunal is having ample power to adopt its own procedure while

adhering the principles of natural justice to secure interest of justice. Under the Act of 2001 the Tribunal is not abide by the procedure prescribed under the Code of Civil Procedure. Thus, if any new fact is stated in rejoinder, the Tribunal may provide an opportunity to the non-applicant to controvert the same.

Thus, this petition for writ is dismissed. However, it is observed that the Rent Tribunal shall ensure that the petitioner shall be having an opportunity to controvert the new facts if any prescribed by the applicant respondent in paras No.2 and 3 of the rejoinder.

(GOVIND MATHUR),J.

Kkm/ps.